

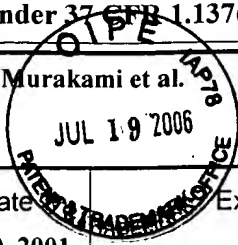
07-20-06

DAC

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
36360/1.9

In Re Application Of: Rick V. Murakami et al.



Application No. 09/758,836	Filing Date January 10, 2001	Examiner	Customer No. 32642	Group Art Unit 3661	Confirmation No. 9796
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Invention: **DEVICE USING HISTOLOGICAL AND PHYSIOLOGICAL BIOMETRIC MARKER FOR.....**

RECEIVED

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 24 2006
OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Signed Declaration

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

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4. ☐ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
36360/1.9

In Re Application Of: Rick V. Murakami et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/758,836	January 10, 2001		32642	3661	9796

Invention: **DEVICE USING HISTOLOGICAL AND PHYSIOLOGICAL BIOMETRIC MARKER FOR.....**

Calculation and Payment of Fees

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OFFICE OF PETITIONS

Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$750.00</u> |
| 8. <input checked="" type="checkbox"/> Fee for reply in the amount of: | <u>\$65.00</u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> _____ | <u> </u> |
| Total fees enclosed: | <u>\$815.00</u> |

The fee of **\$815** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **502375**
- ☒ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)

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Docket No.
36360/1.9

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In Re Application Of:

Rick V. Murakami et al.

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Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/758,836	January 10, 2001		32642	3661	9796

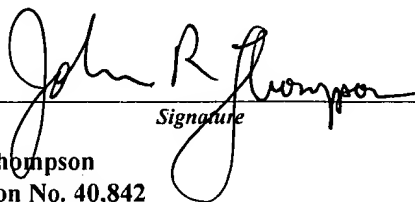
Invention: DEVICE USING HISTOLOGICAL AND PHYSIOLOGICAL BIOMETRIC MARKER FOR.....

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Dated: July 19, 2006

John R. Thompson
Registration No. 40,842
STOEL RIVES LLP
One Utah Center
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
Phone: (801) 578-6994
Facsimile: (801) 578-6999

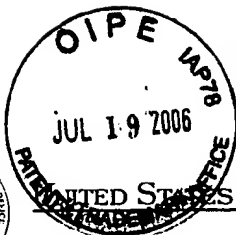
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc: Client



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/758,836	01/10/2001	Rick V. Murakami	9437.17

CONFIRMATION NO. 9796

**ABANDONMENT/TERMINATION
 LETTER**



OC000000010628839

21999
 KIRTON AND MCCONKIE
 1800 EAGLE GATE TOWER
 60 EAST SOUTH TEMPLE
 P O BOX 45120
 SALT LAKE CITY, UT 84145-0120

Date Mailed: 08/04/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/03/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/758,836	01/10/2001	Rick V. Murakami	9437.17

CONFIRMATION NO. 9796

FORMALITIES LETTER



OC000000005927793

KIRTON & McCONKIE
Suite 1800
60 East South Temple
Salt Lake City, UT 84111

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OFFICE OF PETITIONS

Date Mailed: 04/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/21/2006 TBESHAH1 00000003 09750636

02 FC:2051

65.00 0P



Attorney Docket No. 36360/1.9

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **DEVICE USING HISTOLOGICAL AND PHYSIOLOGICAL BIOMETRIC MARKER FOR AUTHENTICATION AND ACTIVATION**, the specification of which

- ☐ is attached hereto.
- ☒ was filed on January 10, 2001, as United States Patent Application No. or PCT International Application No. 09/758,836 and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application on which priority is claimed.

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OFFICE OF PETITIONS

Prior Foreign Application(s)

Priority Claimed

(Number) (Country) (Day/Month/Year
Filed)

☐ Yes ☐ No

(Number) (Country) (Day/Month/Year
Filed)

☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications(s) listed below:

60/175,460
(Application Number)

January 10, 2000
(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, or § 365(c) of any PCT international application designating the United States of America listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)

(Filing Date)

(Status--patented,
pending, abandoned)

(Application No.)

(Filing Date)

(Status--patented,
pending, abandoned)

I hereby appoint the practitioners of Stoel Rives LLP, USPTO Customer No. **32642**, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application, to file any corresponding international application(s), and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Direct all telephone calls to John R. Thompson at 801-578-6994.

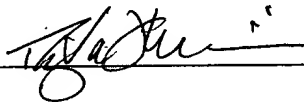
STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904

I understand that execution of this declaration is required by the patent laws and that the "power of attorney" of this document does not create any attorney-client relationship between me and any of the attorneys of Stoel Rives LLP.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: RICK V. MURAKAMI

Inventor's signature: _____



Date

6/22/06

Residence: 596 East 3350 North
North Ogden, Utah 84414

Citizenship: US

Postal address: 596 East 3350 North
North Ogden, Utah 84414

Full name of sole or second inventor: DAVID MILLER

Inventor's signature: _____

David R. Miller

6/29/06

Residence: _____

*6551 North Drappers Loop Road
Morgan, Utah 84050*

Citizenship: _____

US

Postal address: _____

6551

Full name of sole or third inventor: MATTHEW W. PETTIT

Inventor's signature: Matthew W. Pettit 6-22-06
Date

Residence: 5577 Highland Court
Mountain Green, Utah 84050

Citizenship: US

Postal address: 5577 Highland Court
Mountain Green, Utah 84050

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Rick V. Murakami et al.

Docket No.

36360/1.9

Application No.

09/758,836

Filing Date

January 10, 2001

Examiner

Customer No.

32642

Group Art Unit

3661

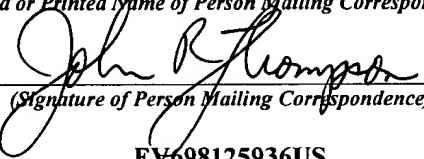
Invention:  DEVICE USING HISTOLOGICAL AND PHYSIOLOGICAL BIOMETRIC MARKER FOR.....

I hereby certify that the following correspondence:

Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (3 pgs.); Notice of Abandonment Under 37 CFR 1.53(f) OR (g) (1 pg.); Notice to File Missing Parts of Nonprovisional Application (1 pg.); Combined Declaration and Power of Attorney for Patent Application (5 pgs.); PTO-2038 Credit Card Payment Form in the amount of \$815.00; postcard.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 19, 2006*(Date)*John R. Thompson*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV698125936US*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.

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